IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Original Jurisdiction

Dated: Nainital the 12th day of November 2002

Criminal Misc. Bail Application Number 1198 of 2002

Order on the Bail Application

CRIMINAL SIDE

Rajesh Prasad Shukla son of Sri Ram Krishna, r/o Opposite Jain Mandir, Bhupatwala, District Hardwar

.....Applicant(s)

Versus

State of Uttaranchal. .....Opposite Party

Arising out of- Case crime no. 524 of 2002,
Under section 18/20 of N.D.P.S. Act,
P.S. Kotwali,
District Hardwar

By the Court

Hon'ble Irshad Hussain, J.

Heard the learned counsel for the applicant-accused and the Government Advocate.

The applicant-accused was found in possession of 50 grams of charas. Perused the copy of the memo. of recovery and arrest. It is evident from it that compliance of the provisions of Section 50 of the N.D.P.S. Act was not made. After the search was made, the accused was made aware of his right that if he so wishes the search may be made in the presence of the Gazetted officer or the Magistrate. Considering the facts, there are reasonable grounds to accept at this stage the argument that the applicant has not committed the offence and there is no likelihood of his engaging himself in similar activity in future, if released on bail.

Let the applicant Rajesh Prasad Shukla son of Sri Ram Krishna, r/o Opposite Jain Mandir, Bhupatwala, District Hardwar be released on bail in case crime no. 524 of 2002, under section 18/20 of N.D.P.S.Act,P.S. Kotwali, District Hardwar on his filing a personal bond and adequate sureties to the satisfaction of Special Judge, Hardwar.

Sd/-

12.11.02./B.